IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33796 of 2006(W)

AGAINST THE ORDER IN EP.221/2005 IN
OS.570/1991 of II ADDL.SUB COURT,KOZHIKODE
AS 120/05 of DISTRICT COURT, KOZHIKODE

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PETITIONER:

IVANCHALIN PAUL,
AGED 69 YEARS, W/O.LATE JOHN,
SADANANDAN ALIAS J.S.PAUL,
KASABA AMSOM KARIAKKUNNU DESOM,
KOZHIKODE TALUK AND DISTRICT.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS:

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1. DAISY K.PAUL, AGED 74 YEARS,
W/O.LATE C.S.PAUL, VINOLA HOUSE,
S.V.COLONY, KALATHINKUNNU AMSOM,
KOZHIKODE TALUK AND DISTRICT.

2. VINOD SUDHAKAR PAUL, AGED 43 YEARS,
S/O.LATE C.S.PAUL, VINOLA HOUSE,
S.V.COLONY, KALATHINKUNNU AMSOM,
KOZHIKODE TALUK AND DISTRICT.

3. VAYOLA D.PAUL, D/O.C.S.PAUL,
VINOLA HOUSE, S.V.COLONY,
KALATHINKUNNU AMSOM, KOZHIKODE TALUK AND DISTRICT.

4. BIATRIC PAUL, D/O.ISAC PAUL,
KASABA AMSOM, KARIAKKUNNU DESOM,
KOZHIKODE TALUK AND DISTRICT.

5. KAMALA HED WERD, D/O.ISAC PAUL,
KASABA AMSOM, KARIAKKUNNU DESOM,
KOZHIKODE TALUK AND DISTRICT.

6. MANOJ K.PAUL, S/O.LATE J.S.PAUL,
AGED 42 YEARS, KASABA AMSOM,
KARIAKKUNNU DESOM, KOZHIKODE TALUK AND DISTRICT.

7. LINA DENZIL, D/O.LATE J.S.PAUL,
AGED 43 YEARS, KASABA AMSOM,
KARIAKKUNNU DESOM, KOZHIKODE TALUK AND DISTRICT.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.33796 OF 2006

Dated 19th December 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India seeking a direction to First Additional Sub court, Kozhikode to dispose Ext.P3 execution petition for delivery of properties allotted to petitioner in Ext.P2 final decree. Case of petitioner is that though second appeal was disposed by this court on 19/10/2006, executing court has not passed any order thereafter and because of pendency of second appeal order of delivery was kept pending. It is upto the petitioner to file an application before the executing court for an early disposal of execution petition. If petitioner files such an application, learned Additional Sub Judge shall dispose the execution petition without any delay.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.